

**ASSEMBLY BILL**

**No. 1582**

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**Introduced by Committee on Local Government (Caballero (Chair),  
Knight (Vice Chair), Arambula, Davis, Duvall, Krekorian, and  
Skinner)**

March 31, 2009

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An act to amend Sections 56426.5, 57051, 57052, and 57150 of, and to amend and renumber Section 56426.5 of, the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1582, as introduced, Committee on Local Government. Local agencies: spheres of influence.

(1) Existing law requires a commission to develop and determine the sphere of influence of each local governmental agency within the county. A commission is authorized, at the time a commission approves a proposal for an incorporation or a reorganization which includes an incorporation, to determine the sphere of influence for the proposed new city. The commission is required to determine the sphere of influence for any newly incorporated city within one year of the effective date of incorporation.

This bill would authorize a commission, beginning January 1, 2010, to determine the sphere of influence for a proposed new district, when a commission approves a formation or reorganization that includes the formation of a district. The commission would be required to determine the sphere of influence for any newly formed district within one year of the effective date of formation.

(2) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of

organization of cities and special districts. Existing law permits any owner of land or registered voter within inhabited territory proposed to be annexed or detached, or any owner of land within uninhabited territory proposed to be annexed or detached, to file a written protest against the annexation or detachment at any time prior to the conclusion of the noticed protest. The written protest is required to include the name and address of the owner of the land affected and the street address or other description sufficient to identify the location of the land or the name and address of the registered voter as it appears on the affidavit of registration.

This bill would repeal the requirement that the written protest include that information and would instead require the written protest to contain the same information that is required in a petition that proposes a change or organization or reorganization. The bill would additionally require the commission to determine the value of written protests in accordance with those petition requirements.

(3) Existing law requires the expenses incurred in conducting elections for a change of organization or reorganization to be paid in a specified manner.

This bill would make technical conforming changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56426.5 of the Government Code, as  
2 added by Section 6 of Chapter 1384 of the Statutes of 1989, is  
3 amended to read:

4 56426.5. (a) Beginning January 1, 1990, at the time a  
5 commission approves a proposal for an incorporation or a  
6 reorganization which includes an incorporation, the commission  
7 may determine the sphere of influence for the proposed new city.  
8 ~~Except as provided in subdivision (b), the~~ The commission shall  
9 determine the sphere of influence for any newly incorporated city  
10 within one year of the effective date of incorporation.

11 ~~(b) The commission shall determine the sphere of influence for~~  
12 ~~any newly incorporated city, the proposal for which was approved~~  
13 ~~by the commission before January 1, 1990, by January 1, 1991.~~

14 (b) Beginning January 1, 2010, at the time when a commission  
15 approves a formation or reorganization that includes the formation

1 *of a district, the commission may determine the sphere of influence*  
2 *for the proposed new district. The commission shall determine the*  
3 *sphere of influence for any newly formed district within one year*  
4 *of the effective date of formation.*

5 SEC. 2. Section 56426.5 of the Government Code, as added  
6 by Section 4 of Chapter 614 of the Statutes of 2002, is amended  
7 and renumbered to read:

8 ~~56426.5.~~

9 56426.6. (a) The commission shall not approve a change to  
10 the sphere of influence of a local government agency of territory  
11 that is subject to a contract entered into pursuant to the California  
12 Land Conservation Act of 1965 (Chapter 7 (commencing with  
13 Section 51200) of Part 1 of Division 1) if that local government  
14 agency provides, or would provide, facilities or services related  
15 to sewers, nonagricultural water, or streets and roads to the  
16 territory, unless these facilities or services benefit land uses that  
17 are allowed under the contract and the landowner consents to the  
18 change to the sphere of influence.

19 (b) (1) Notwithstanding subdivision (a), the commission may  
20 nevertheless approve a change for that territory if it finds either of  
21 the following:

22 ~~(1)~~

23 (A) That the change would facilitate planned, orderly, and  
24 efficient patterns of land use or provision of services, and the public  
25 interest in the change substantially outweighs the public interest  
26 in the current continuation of the contract beyond its current  
27 expiration date.

28 ~~(2)~~

29 (B) That the change is not likely to adversely affect the  
30 continuation of the contract beyond its current expiration date.

31 ~~In~~

32 (2) ~~In making this~~ a determination pursuant to this subdivision,  
33 the commission shall consider all of the following:

34 (A) The policies and implementation measures adopted by the  
35 city or county that would administer the contract both before and  
36 after any ultimate annexation, relative to the continuation of  
37 agriculture or other uses allowable under the contract.

38 (B) The infrastructure plans of the annexing agency.

39 (C) Other factors that the commission deems relevant.

40 (c) This section shall not apply to any of the following:

1 (1) Territory that is subject to a contract for which a notice of  
2 nonrenewal has been served pursuant to Section 51245.

3 (2) Territory that is subject to a contract for which a tentative  
4 cancellation has been approved pursuant to Section 51282.

5 (3) Territory for which the governing body of the county or city  
6 administering the contract has given its written approval to the  
7 change and the landowner consents to the change.

8 SEC. 3. Section 57051 of the Government Code is amended  
9 to read:

10 57051. At any time prior to the conclusion of the protest hearing  
11 in the notice given by the executive officer, but not thereafter, any  
12 owner of land or any registered voter within inhabited territory  
13 that is the subject of a proposed change of organization or  
14 reorganization, or any owner of land within uninhabited territory  
15 that is the subject of a proposed change of organization or  
16 reorganization, may file a written protest against the change of  
17 organization or reorganization. Each written protest shall state  
18 whether it is made by a landowner or registered voter and ~~the name~~  
19 ~~and address of the owner of the land affected and the street address~~  
20 ~~or other description sufficient to identify the location of the land~~  
21 ~~or the name and address of the registered voter as it appears on~~  
22 ~~the affidavit of registration shall include the same information that~~  
23 *is required in a petition for a change of organization or*  
24 *reorganization, as specified in Section 56704.* Protests may be  
25 made on behalf of an owner of land by an agent authorized in  
26 writing by the owner to act as agent with respect to that land.  
27 Protests may be made on behalf of a private corporation which is  
28 an owner of land by any officer or employee of the corporation  
29 without written authorization by the corporation to act as agent in  
30 making that protest.

31 Each written protest shall show the date that each signature was  
32 affixed to the protest. All signatures without a date or bearing a  
33 date prior to the date of publication of the notice shall be  
34 disregarded for purposes of ascertaining the value of any written  
35 protests.

36 SEC. 4. Section 57052 of the Government Code is amended  
37 to read:

38 57052. Upon conclusion of the protest hearing, the commission  
39 shall determine the value of written protests filed and not  
40 withdrawn. The value of written protests shall be determined in

1 the same manner prescribed in Sections 56704, 56707, 56708, and  
2 56710 for determining the sufficiency of petitions filed with the  
3 commission.

4 SEC. 5. Section 57150 of the Government Code is amended  
5 to read:

6 57150. All proper expenses incurred in conducting elections  
7 for a change of organization or reorganization pursuant to this  
8 chapter shall be paid, unless otherwise provided by agreement  
9 between the commission and the proponents, as follows:

10 (a) In the case of annexation or detachment proceedings, by the  
11 local agency to or from which territory is annexed, or from which  
12 territory is detached, or was proposed to be annexed or detached.

13 (b) In the case of incorporation or formation proceedings, by  
14 the newly incorporated city or the newly formed district, if  
15 successful, or by the county within which the proposed city or  
16 district is located, if the incorporation proceedings are terminated.  
17 In the case of a separate election for city officers held following  
18 the election for incorporation pursuant to Section 56825.5, by the  
19 newly incorporated city.

20 (c) In the case of disincorporation or dissolution proceedings,  
21 from the remaining assets of the disincorporated city or dissolved  
22 district or by the city proposed to be disincorporated or the district  
23 proposed to be dissolved if disincorporation or dissolution  
24 proceedings are terminated.

25 (d) In the case of consolidation proceedings, by the successor  
26 city or district or by the local agencies proposed to be consolidated,  
27 to be paid by those local agencies in proportion to their respective  
28 assessed values, if proceedings are terminated.

29 (e) In the case of a reorganization, *by either of the following:*

30 (1) If the reorganization is ordered, by the ~~affected~~ *subject* local  
31 agencies or successor local agencies, as the case may be, for any  
32 of the ~~above-enumerated~~ changes of organization ~~which specified~~  
33 *in subdivisions (a) to (d), inclusive, that* may be included in the  
34 particular reorganization, to be paid by those local agencies in  
35 proportion to their assessed value.

36 (2) If the reorganization proceedings are terminated or the  
37 proposal is defeated, by the county *or counties* within which the  
38 ~~city~~ *subject local agency* is located.

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